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6  
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9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation/Petition to  
Revoke Probation Against:

12 DOUGLAS WONG  
13 3334 West Caldwell Ave, #121  
14 Visalia, CA 93277

15 Pharmacist License No. RPH 50646

16 Respondent.

Case No. 2914

OAH No. N-2006040228

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
19 proceeding that the following matters are true:

20 PARTIES

21 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
22 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
23 by Bill Lockyer, Attorney General of the State of California, by Lorrie M. Yost, Deputy Attorney  
24 General.

25 2. Douglas Wong (Respondent) is represented in this proceeding by attorney  
26 Michael T. Doudna, Esq., whose address is 200 West Santa Ana Boulevard, Suite 60, Santa Ana,  
27 CA 92701.

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1                   3.       On or about November 23, 1998, the Board of Pharmacy issued  
2 Pharmacist License No. RPH 50646 to Douglas Wong (Respondent). The pharmacist license  
3 was in full force and effect at all times relevant to the charges brought in Accusation/Petition to  
4 Revoke Probation No. 2914 and will expire on July 31, 2006, unless renewed.

5   JURISDICTION

6                   4.       Accusation/Petition to Revoke Probation No. 2914 was filed before the  
7 Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against  
8 Respondent. The Accusation/Petition to Revoke Probation and all other statutorily required  
9 documents were properly served on Respondent on June 9, 2006. Respondent timely filed his  
10 Notice of Defense contesting the Accusation/Petition to Revoke Probation. A copy of  
11 Accusation/Petition to Revoke Probation No. 2914 is attached as Exhibit A and incorporated  
12 herein by reference.

13   ADVISEMENT AND WAIVERS

14                   5.       Respondent has carefully read, fully discussed with counsel, and  
15 understands the charges and allegations in Accusation/Petition to Revoke Probation No. 2914.  
16 Respondent also has carefully read, fully discussed with counsel, and understands the effects of  
17 this Stipulated Surrender of License and Order.

18                   6.       Respondent is fully aware of his legal rights in this matter, including the  
19 right to a hearing on the charges and allegations in the Accusation/Petition to Revoke Probation;  
20 the right to be represented by counsel, at his own expense; the right to confront and cross-  
21 examine the witnesses against him; the right to present evidence and to testify on his own behalf;  
22 the right to the issuance of subpoenas to compel the attendance of witnesses and the production  
23 of documents; the right to reconsideration and court review of an adverse decision; and all other  
24 rights accorded by the California Administrative Procedure Act and other applicable laws.

25                   7.       Respondent voluntarily, knowingly, and intelligently waives and gives up  
26 each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in  
3 Accusation/Petition to Revoke Probation No. 2914, agrees that cause exists for discipline and  
4 hereby surrenders his Pharmacist License No. RPH 50646 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the  
6 Board to issue an order accepting the surrender of his Pharmacist License without further  
7 process.

8 CONTINGENCY

9 10. This stipulation shall be subject to approval by the Board of Pharmacy.  
10 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
11 Pharmacy may communicate directly with the Board regarding this stipulation and surrender,  
12 without notice to or participation by Respondent or his counsel. By signing the stipulation,  
13 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind  
14 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
15 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall  
16 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
17 between the parties, and the Board shall not be disqualified from further action by having  
18 considered this matter.

19 11. The parties understand and agree that facsimile copies of this Stipulated  
20 Surrender of License and Order, including facsimile signatures thereto, shall have the same force  
21 and effect as the originals.

22 12. In consideration of the foregoing admissions and stipulations, the parties  
23 agree that the (Board) may, without further notice or formal proceeding, issue and enter the  
24 following Order:

25 ORDER

26 IT IS HEREBY ORDERED that Pharmacist License No. RPH 50646, issued to  
27 Respondent Douglas Wong is surrendered and accepted by the Board of Pharmacy.

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1                   13.     The surrender of Respondent's Pharmacist License and the acceptance of  
2 the surrendered license by the Board shall constitute the imposition of discipline against  
3 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
4 Respondent's license history with the Board.

5                   14.     Respondent shall lose all rights and privileges as a pharmacist in  
6 California as of the effective date of the Board's Decision and Order.

7                   15.     Respondent shall cause to be delivered to the Board both his pharmacist  
8 license wall and pocket license certificate on or before the effective date of the Decision and  
9 Order.

10                  16.     Respondent fully understands and agrees that if he ever files an application  
11 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a  
12 new application for licensure. Respondent must comply with all the laws, regulations and  
13 procedures for licensure in effect at the time the application or petition is filed and must meet  
14 current application requirements at the time the application is submitted. All of the charges and  
15 allegations contained in Accusation/Petition to Revoke Probation No. 2914 shall be deemed to be  
16 true, correct and admitted by Respondent when the Board determines whether to grant or deny  
17 the application or petition. Respondent may not reapply for licensure for at least three years from  
18 the effective date of this decision.

19                  17.     Respondent shall pay the Board its costs of investigation and enforcement  
20 in this matter in the amount of \$3,000 plus remaining costs from the previous discipline in the  
21 amount of \$2,787, prior to issuance of a new or reinstated license.

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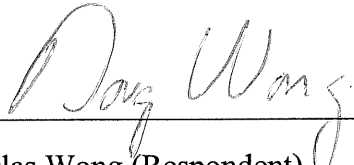
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1 ACCEPTANCE

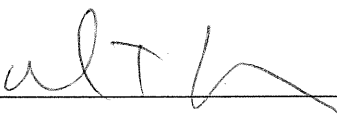
2 I have carefully read the above Stipulated Surrender of License and Order and  
3 have fully discussed it with my attorney, Michael T. Doudna, Esq. I understand the stipulation  
4 and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of  
5 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
6 Decision and Order of the Board of Pharmacy.

7  
8 DATED: 6/26/06.

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10   
11 Douglas Wong (Respondent)  
12 Respondent  
13  
14

15 I have read and fully discussed with Respondent Douglas Wong the terms and  
16 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
17 approve its form and content.

18  
19 DATED: 6/27/06.

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22 MICHAEL T. DOUDNA, ESQ.  
23 Attorney for Respondent  
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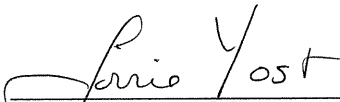
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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: July 6, 2006.

BILL LOCKYER, Attorney General  
of the State of California

  
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LORRIE M. YOST  
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SA2005104119  
Wong.S&W.10250138.wpd

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation/Petition to  
Revoke Probation Against:

DOUGLAS WONG  
3334 West Caldwell Ave, #121  
Visalia, CA 93277

Pharmacist License No. RPH 50646

Respondent.

Case No. 2914

OAH No. N-2006040228

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the  
Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 13, 2006.

It is so ORDERED August 14, 2006.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
WILLIAM POWERS  
Board President

**Exhibit A**

**Accusation/Petition to Revoke Probation No. 2914**



BILL LOCKYER, Attorney General  
of the State of California  
LORRIE M. YOST, State Bar No. 119088  
Deputy Attorney General  
California Department of Justice  
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Telephone: (916) 445-2271  
Facsimile: (916) 327-8643

Attorneys for Complainant

**BEFORE THE  
BOARD OF PHARMACY  
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to  
Revoke Probation Against:

DOUGLAS VERNON WONG  
2001 East Cross Avenue #91  
Tulare, California 93274

Original Pharmacist License No. RPH 50646

Respondent.

Case No. 2914

**A C C U S A T I O N AND PETITION  
TO REVOKE PROBATION**

Complainant alleges:

PARTIES

1. Patricia F. Harris (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Board of Pharmacy.
2. On or about November 23, 1998, the Board of Pharmacy issued Original Pharmacist License No. RPH 50646 to Douglas Wong (Respondent). On June 5, 2003, pursuant to the Stipulation, Decision and Order adopted by the Board as its Decision in the disciplinary action titled *In the Matter of the Accusation Against: Douglas Wong*, Case Number 2563, the Board ordered that Respondent's pharmacist license be revoked effective July 5, 2003. The revocation was stayed and Respondent was placed on probation for five (5) years on terms and conditions, as more particularly set forth in paragraphs 17 and 18 below. Respondent's pharmacist license will expire on July 31, 2006, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 of the Code states in pertinent part:

"(a) Every license issued may be suspended or revoked.

"(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation.

"(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

5. Section 4301 of the Code states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

6. Section 4059 of the Code states in pertinent part:

"(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian.

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7. Section 4060 of the Code states in pertinent part:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1.

8. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## DRUGS

10. "Valium", also known as "diazepam", is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(8).

11. "Viagra", also known as "sildenafil", is a dangerous drug prescribed to treat erectile dysfunction.

12. "Seroquel", also known as "quetiapine", is a dangerous drug prescribed for the treatment of psychosis.

13. "Xenical," also known as "orlistat", is a dangerous drug prescribed to treat obesity.

## ACCUSATION

### FIRST CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

14. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (f) on the grounds of unprofessional conduct in that from approximately early 2005 to April 2004, he stole tablets of Valium, Viagra, Seroquel, and Xenical from his employer Walgreen while acting as a licensed pharmacist.

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20. Respondent's probation is subject to revocation in that he failed to successfully participate in and complete the PRP. On April 27, 2005, the Maximus Diversion Program (MDP), terminated Respondent from the PRP due to noncompliance with the terms and conditions of his recovery contract in the following respects:

a. Respondent was observed by staff diverting prescription medication on April 20, 21 and 22, 2005 from his place of employment, and later admitted diverting Xenical, Seroquel, Valium, and Viagra from Walgreen Pharmacy;

b. Respondent exhibited grossly impaired judgement;

c. Respondent tested "out of range" on a November 11, 2004 random drug indicating a possible attempt to mask the use of a prohibited substance, and failed to appear for random drug tests scheduled for December 5, 2004 and March 27, 2005;

d. Respondent failed to undergo a neuropsychological evaluation within 30 days of July 28, 2004, and again within 30 days of October 27, 2004;

e. Respondent failed to provide verification that he was receiving treatment from a psychiatrist and on-going medication for management of his psychiatric symptoms.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

21. Revoking or suspending Original Pharmacist License No. RPH 50646 to issued to Douglas Wong.

22. Ordering Douglas Wong to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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23. Taking such other and further action as deemed necessary and proper.

DATED: 1/23/06

*P. F. Harris*

PATRICIA F. HARRIS

Executive Director  
Board of Pharmacy  
State of California  
Complainant

SA2005104119

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